

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

RHONDA BURNETT, JEROD BREIT,)
JEREMY KEEL, HOLLEE ELLIS, and)
and FRANCES HARVEY, on behalf of themselves)
and all others similarly situated,)

Plaintiffs

v.

Case No. 19-cv-00332-SRB

THE NATIONAL ASSOCIATION OF)
REALTORS, REALOGY HOLDINGS CORP.)
(n/k/a ANYWHERE REAL ESTATE, INC.),)
HOMESERVICES OF AMERICA, INC., BHH)
AFFILIATES, LLC, HSF AFFILIATES, LLC,)
RE/MAX LLC, and KELLER WILLIAMS)
REALTY, INC.)

Defendants.

PLAINTIFFS' NOTICE OF FILING

Plaintiffs hereby file transcripts, or other identifying information as appropriate, of the following materials listed in Exhibit A of Defendants' Motion to Complete the Record (Doc. 1368 at 9-11).

Exhibit 1	Plaintiffs' Opening PowerPoint Presentation (Trial Tr. 13:22-80:11)
Exhibit 2	Transcript of Robert Goldberg deposition video clip played by Plaintiffs in opening concerning NAR antitrust compliance guide (Trial Tr. 33:25-34:6)
Exhibit 3	Transcript of Family Reunion/Gary Keller video clip played by Plaintiffs in opening (Trial Tr. 37:20-25)
Exhibit 4	Transcript of Gary Keller deposition clip played by Plaintiffs in opening ("He said, We're not talking about commissions because, if we were, we'd be talking about sellers and buyers.") (Trial Tr. 38:5-36:1)

Exhibit 5	Transcript of Darrell King deposition clip played by Plaintiffs in opening concerning Family Reunion and compliance manual (Trial Tr. 39:15-22)
Exhibit 6A	Transcript of one of the three separate Gary Keller deposition clips played by Plaintiffs in opening, the first about “talk in concepts” email and the second and third about Gary’s books (Trial Tr. 40:19-41:12)
Exhibit 6B	Transcript of one of the three separate Gary Keller deposition clips played by Plaintiffs in opening, the first about “talk in concepts” email and the second and third about Gary’s books (Trial Tr. 40:19-41:12)
Exhibit 6C	Transcript of one of the three separate Gary Keller deposition clips played by Plaintiffs in opening, the first about “talk in concepts” email and the second and third about Gary’s books (Trial Tr. 40:19-41:12)
Exhibit 7A	Video clip of Gino Blefari played by Plaintiffs in opening concerning training material and “it only goes up” from 6% (portion of previously admitted exhibit P-1597X (timestamp - 1:32 to 1:48)) (Trial Tr. 42:16-43:9)
Exhibit 7B	Transcript of Gino Blefari deposition clip played by Plaintiffs in opening concerning training material and “it only goes up” from 6% (Trial Tr. 42:16-43:9)
Exhibit 8A	Transcript of one of the two separate Nick Bailey deposition clips played by Plaintiffs in opening about companies benefitting on either side of the transaction (Trial Tr. 43:24-44:3)
Exhibit 8B	Transcript of one of the two separate Nick Bailey deposition clips played by Plaintiffs in opening about companies benefitting on either side of the transaction (Trial Tr. 43:24-44:3)
Exhibit 9	Transcript of Ryan Gorman deposition clip played by Plaintiffs during opening about Realogy’s antitrust policy (Trial Tr. 44:4-18)
Exhibit 10	Transcript of Gary Keller deposition clip played by Plaintiffs during opening concerning steering (Trial Tr. 47:8-18)

Exhibit 11	Transcript of Michelle Figgs deposition clip played by Plaintiffs during opening concerning her notes (Trial Tr. 48:6-8)
Exhibit 12	Transcript of Gary Keller deposition clip played by Plaintiffs during opening concerning training materials (Trial Tr. 48:17-49:2)
Exhibit 13	HomeServices training video clip played by Plaintiffs during Opening (portion of previously admitted exhibit P-1598X (timestamp - 2:57 to 3:45)) (Trial Tr. 55:1-4)
Exhibit 14A	Transcript of one of the three separate deposition clips played of Robert Goldberg, Gary Keller, and Gino Blefari played by Plaintiffs during opening all concerning their companies following the cooperative compensation rule (Robert Goldberg Clip) (Trial Tr. 56:5-19)
Exhibit 14B	Transcript of one of the three separate deposition clips played of Robert Goldberg, Gary Keller, and Gino Blefari played by Plaintiffs during opening all concerning their companies following the cooperative compensation rule (Gary Keller Clip) (Trial Tr. 56:5-19)
Exhibit 14C	Transcript of one of the three separate deposition clips played of Robert Goldberg, Gary Keller, and Gino Blefari played by Plaintiffs during opening all concerning their companies following the cooperative compensation rule (Gino Blefari Clip) (Trial Tr. 56:5-19)
Exhibit 15	Transcript of Kevin Goffstein deposition clip played by Plaintiffs during opening concerning HomeServices franchise policy (Trial Tr. 69:24-70:6)
Exhibit 16	Transcript of Rosalie Warner deposition clip played by Plaintiffs during opening concerning ReeceNichols policy (Trial Tr. 72:16-18)
Exhibit 17	Transcript of Rosalie Warner deposition clip played by Plaintiffs during opening concerning St. Louis franchise policy (mistakenly listed on Defendants' Exhibit A as a Mike Frazier deposition clip) (Trial Tr. 73:1-4)
Exhibit 18	Exhibit PX-4562 introduced by Plaintiffs as impeachment during Bob Goldberg cross examination (Trial Tr. 1135:5-1137:17)

Exhibit 19	Exhibit PX-4565 introduced by Plaintiffs as impeachment during Bob Goldberg's cross examination (Trial Tr. 1137:25-1139:13)
Exhibit 20	Transcript of Rodney Gansho deposition clip played by Plaintiffs as impeachment during his cross examination concerning NAR affiliated MLSs (starting with 43:13) (Trial Tr. 1263:4-20)
Exhibit 21	Exhibit PX-4609 (Inman Article) introduced by Plaintiffs as impeachment during Rodney Gansho's cross examination (Trial Tr. 1282:1-1284:16)
Exhibit 22	Allan Dalton podcast clip played by Plaintiffs as impeachment during Ron Peltier's cross examination, referred to by Plaintiffs as PX-4604 (produced natively to defense counsel) (Trial Tr. 1349:8-23)
Exhibit 23	Transcript of Mike Frazier deposition clip played by Plaintiffs during his cross examination concerning whether buyers would compensate buyers' agents without the cooperative compensation rule (Trial Tr. 1630:1-17)
Exhibit 24A	Transcript of one of the three Mike Frazier deposition clips played by Plaintiffs during his cross examination concerning whether buyers will sign buyer agency agreements without the rule (two of three clips identified, 102:25 and 104:21) (Trial Tr. 1637:7-17)
Exhibit 24B	Transcript of one of the three Mike Frazier deposition clips played by Plaintiffs during his cross examination concerning whether buyers will sign buyer agency agreements without the rule (two of three clips identified, 102:25 and 104:21) (Trial Tr. 1637:7-17)
Exhibit 24C	Transcript of one of the three Mike Frazier deposition clips played by Plaintiffs during his cross examination concerning whether buyers will sign buyer agency agreements without the rule (two of three clips identified, 102:25 and 104:21) (Trial Tr. 1637:7-17)
Exhibit 25	Transcript of Krista Wilson deposition clip played by Plaintiffs during her cross examination concerning if every buyer agreement has a clause that the buyer will pay the fee if it is not covered by the MLS (Trial Tr. 1688:10-1689:1)

Exhibit 26	Transcript of Gary Keller deposition clip played by Plaintiffs during his cross examination as impeachment concerning if NAR makes rules and enforces them when they get together and meet (Trial Tr. 2046:3-14)
Exhibit 27	Transcript of Gary Keller deposition clip played by Plaintiffs during his cross examination as impeachment concerning if KW requires its sales agents to join NAR (Trial Tr. 2047:9-17)
Exhibit 28	Transcript of Gary Keller deposition clip played by Plaintiffs during his cross examination as impeachment concerning the “talk in concepts” email (Trial Tr. 2077:5-13)
Exhibit 29	Transcript of Gary Keller deposition clip played by Plaintiffs during his cross examination as impeachment concerning whether agents can discuss commissions (Trial Tr. 2081:24-2082:8)
Exhibit 30	Transcript of Gary Keller deposition clip played by Plaintiffs during his cross examination as impeachment concerning whether Keller can talk about commissions (Trial Tr. 2082:18-20)
Exhibit 31	Plaintiffs’ Closing PowerPoint Presentation (Trial Tr. 2328:19-2390:10)

Dated: March 28, 2024

Respectfully submitted,

KETCHMARK AND MCCREIGHT P.C.

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